

Amendments to the Drawings

Figures 2 and 7 have been amended and included herein are replacement sheets showing those changes.

Remarks

Claims 1-24 were presented for prosecution, claims 5 and 20 have been canceled herein, and claims 1-4, 8-12, 15, 16, 19 and 22-24 have been amended. In addition, Figures 2 and 7 have been amended via replacement sheets. Various claim objections, drawing objections and one 35 USC 112(2) have been addressed by the amendments. No new matter is believed added.

Claims 1, 4-7, 9, 10, 13, 14 and 16-20 are rejected under 35 USC 103(a) as allegedly being unpatentable over Ahmavaara et al., US Patent 6,842,445, "Ahmavaara." Claims 2, 3, 8, 11, 12, 15, and 21-24 are rejected under 35 USC 103(a) as allegedly being unpatentable over Ahmavaara in view of Gubbi, US 6,934,752.

Applicants respectfully submit that all claims are allowable over the cited art. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 706.02(j).

With regard to claim 1, Applicants respectfully submit that the prior art fails to teach or suggest all of the claim limitations. Note that amended claim 1 now includes the subject matter essentially claimed in canceled claim 5. In the Office Action, the Examiner admits that Ahmavaara does not explicitly teach the determination of whether a received packet is a retransmitted packet according to some predetermined criteria. Instead, the Office Action relies on the fact that because Ahmavaara discloses that MAC

PDU's have to be identical to be combined, it would have been obvious to use "this identical MAC PDU requirement (criteria) of soft combining...to regulate the soft combining of packets."

Applicants respectfully traverse this conclusion for the following reasons. First, and most notably, Ahmavaara teaches away from "examining a medium access control (MAC) frame in said received packet and said stored packet" to "determining whether said received packet is a retransmitted packet." Instead, Ahmavaara teaches including a retransmission that includes "outband signaling ... that unambiguously indicates when the [retransmitted] packet was transmitted for the first time." (See column 4, lines 64-68). Accordingly, Ahmavaara uses outband signaling to tell the receiver that a current packet is a retransmitted packet. This is wholly different than the claimed invention, which does not need outband signaling to identify retransmitted packets.


Furthermore, the only reason that Ahmavaara states that MAC PDU's are identical is because Ahmavaara teaches that "there may be a need to change some header information between the original transmission and the retransmission." (See column 10, lines 30-35). Ahmavaara never suggests, implicitly or explicitly, that the MAC header data should be examined to determine whether a current packet is a retransmission. Thus, without the use of hindsight, one skilled in the art would not find it obvious to modify Ahmavaara as suggested in the Office Action. Accordingly, Ahmavaara not only fails to provide any suggestion or motivation to use a MAC frame itself as a mechanism for determining if the current frame is a retransmission frame, but teaches a completely different process for making such a determination. In light of this, Applicants submit that claim 1 (and similarly independent claims 9 and 16) is allowable. The remaining

dependent claims are believed allowable for the reasons stated above, as well as for their own additional features. Applicants submit that Gubbi fails to address the deficiencies noted above.

Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Michael F. Hoffman
Reg. No. 40,019

Hoffman, Warnick & D'Alessandro LLC
75 State Street
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile